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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/039,301      | 01/02/2002  | Frederick Allyn Kulack | IBM / 191           | 2167             |

7590 02/12/2004

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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
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3713

2

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/039,301

Applicant(s)

KULACK, FREDERICK ALLYN

Examiner

Cameron Saadat

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4, 8-17, 20-22 is/are rejected.
- 7) ☒ Claim(s) 3, 5-7, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Art Unit: 3713

## DETAILED ACTION

### *Claim Objections*

Claims 12 and 14 objected to because of the following informalities: The term “calender” should be recited as –calendar-- to correct the typographical error.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-2, 8-17, 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Cook et al. (USPN 6,427,063; hereinafter Cook).**

Regarding claims 1 and 12, Cook discloses a portable organizer device 240 (see Fig. 2A) comprising: a calendar database; a communication link configured to access an assignment record on an institutional system, the assignment record describing an assignment characterized by (as per claim 1) an estimated duration and (as per claim 12) a difficulty level (Col. 39, lines 29-33); a user interface configured to receive a user schedule constraint; and an agent configured to create a calendar entry for the accessed assignment record in response to the user schedule constraint, and the estimated duration or the completion date (Col. 40, lines 39-62).

Regarding claim 2, Cook discloses a device wherein the communication link is further configured to access an identification of an article required to perform the assignment, the agent further configured to associate the identification to the calendar entry (Col. 34, lines 65-67; Col. 10, lines 8-12).

Art Unit: 3713

Regarding claim 8, Cook discloses a device wherein the schedule restraint identifies available time blocks in the calendar database (Col. 30, lines 28-34).

Regarding claim 9, Cook discloses a device, wherein the agent is further configured to identify available time blocks by applying a hierarchical set of appointments rules (Col. 34, lines 52-54).

Regarding claim 10, Cook discloses a device wherein the agent is configured to respond to the hierarchical set of appointment rules from a longest session duration time Col. 34, lines 55-58).

Regarding claim 11, Cook discloses a device wherein the assignment record includes an estimated completion time, the agent is further configured to adjust the estimated completion time in response to a stored difficulty factor (Col. 39, lines 27-33).

Regarding claim 13, Cook discloses a device wherein the agent is further configured to enter a plurality of calendar entries to complete the assignment (Col. 30, lines 30-34).

Regarding claim 14, Cook discloses a device wherein the agent is further configured to unallocate a later calendar entry of the plurality of calendar entries in response to completion of the assignment record (Col. 50, lines 49-56).

Regarding claim 15, Cook discloses a device wherein the agent is further configured to allocate an additional calendar entry associated with the assignment record in response to a failure to complete the assignment record (Col. 50, lines 56-63).

Regarding claims 16 and 20, Cook discloses a method of updating a calendar database, comprising: accessing an assignment record on an institutional system, the assignment record describing an assignment characterized by an estimated duration or a completion date; receiving a user schedule constraint; and creating a calendar entry for the accessed assignment record in response to the user schedule constraint, and the estimated duration or the completion date (Col. 30, lines 28-34; Col. 40, lines 39-62).

Art Unit: 3713

Regarding claim 17, Cook discloses a method further comprising: accessing an identification associated with the assignment record of at least one article required to perform the assignment; and associating the identification to the calendar entry (Col. 34, lines 65-67; Col. 10, lines 8-12).

Regarding Claim 22, Cook discloses a system wherein the communication link is further configured to upload to the institutional system a status message pertaining to the calendar entry (Col. 40, lines 47-54).

**Claim 4 is rejected under 35 U.S.C. 102(e) as being anticipated by Seal (USPN 6,661,335).**

Regarding claim 4, Seal discloses a portable organizer device comprising: a user interface; a sensor responsive to a unique identifying signal from an identification tag attachable to an article and operable to emit said unique identifying signal; and, an agent configured to initiate a notification on the user interface in response to the unique identifying signal (Col. 17, lines 40-55; Fig. 20).

**Claims 20 is rejected under 35 U.S.C. 102(e) as being anticipated by Bayley et al. (USPN 6,611,673; hereinafter Bayley).**

Bayley discloses a method of updating and entry in a calender database, comprising: sensing a unique identifying signal from an identification tag attached to an article and operable to emit said unique identifying signal; and, associating the identification within an entry in said calendar database (Col. 8, line 51 – Col. 9, line 5).

*Allowable Subject Matter*

Claims 3, 5-7, 18-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Patentability is seen in, although not limited to: (claims 3 and 18), the combination of allowing a user to access an assignment record on an institutional system, wherein the assignment is characterized by an

Art Unit: 3713

estimated duration; and configured to receive a user schedule constraint; and an agent configured to create a calendar entry for the accessed assignment record in response to the user schedule constraint and the estimated duration; and further comprising a sensor responsive to a unique identifying signal from an identification tag attachable to an article and operable to emit said unique identifying signal; wherein the agent is further configured to initiate a notification to the user in response to the unique identifying signal. The closest prior art of record does not teach or fairly suggest this feature in the combination.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

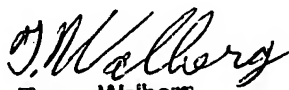
- Truluck et al. (USPN 6,353,447) – disclose an educational scheduling system.
- Ceretta et al. (USPN 6,370,355) - disclose an educational scheduling system.
- Bergman (USPN 5,601,432) – discloses an educational organizer
- Eisendrath et al. (USPN 6,347,333) – disclose an educational organizer

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is 703-305-5490. The examiner can normally be reached on M-F 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa J Walberg can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

CS

  
Teresa Walberg  
Supervisory Patent Examiner  
Group 3700